

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on policies and practices for advanced metering, demand response, and dynamic pricing.

Rulemaking 02-06-001
(Filed June 6, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING IN PART PACIFIC GAS AND ELECTRIC COMPANY
AND SAN DIEGO GAS & ELECTRIC COMPANY
LEAVE TO FILE DOCUMENTS UNDER SEAL**

On October 15, 2004, Pacific Gas and Electric Company (PG&E) filed its preliminary Advanced Metering Infrastructure Business Case Analysis and a motion for protective order in conjunction with submitting certain materials under seal. On October 22, 2004, San Diego Gas & Electric Company (SDG&E) filed its preliminary Advanced Metering Infrastructure Business Case Analysis and a motion for protective order in conjunction with submitting certain materials under seal. Neither company filed motions for leave to file documents under seal. I will treat the motions for protective order as motions for leave to file under seal.

I grant in part the request by PG&E to file certain materials under seal but require that PG&E file and serve a redacted version of Appendix B as described below. I grant the request by SDG&E. Both SDG&E and PG&E shall make the protected material available under a mutually agreeable protective order to any party in the proceeding but may withhold the protected materials from vendors that might bid to supply the products and services under consideration in the preliminary Advanced Metering Infrastructure Business Case Analysis.

PG&E and SDG&E request that the materials they seek to protect be accorded confidential treatment pursuant to Pub. Util. Code § 583. Specifically, PG&E seeks to protect Appendix B to its preliminary Advanced Metering Infrastructure Business Case Analysis in its entirety. SDG&E seeks to protect 12 pages of assumptions and cost drivers that were used to build the cost estimates in SDG&E's scenario analysis. Both argue that protection of the materials is necessary to ensure that potential bidders for Advanced Metering Infrastructure not be privy to the utility's internal evaluations of the technology.

PG&E's Appendix B is comprised of cost and benefit information for the 19 scenarios that PG&E analyzed. After reviewing Appendix B, I find that PG&E has been overly broad in seeking protection. PG&E shall disclose in their entirety Cases B1, B3, and B5. In all other scenarios, PG&E may redact the information included in column "PV of Revenue Requirements," for the rows in the "Cost Components (Deployment)" and "Cost Components (O&M)" but must disclose the totals for each of those categories and all other information in Appendix B. SDG&E's Appendix C includes detailed assumptions that drive the cost estimates for the various scenarios analyzed. After reviewing Appendix C, I find that the material included is appropriate for protection.

Good cause appearing, **IT IS RULED** as follows:

1. Pacific Gas and Electric Company's (PG&E) request for certain material to be filed under seal is granted to the extent set forth herein. PG&E shall file and serve a redacted version, as described above, within five days of this ruling.
2. San Diego Gas & Electric Company's (SDG&E) request for certain material to be filed under seal is granted to the extent set forth herein.
3. The confidential information, described above, is proprietary and competitively sensitive information. Public disclosure of this confidential

information would jeopardize the ability of the utilities to obtain the lowest bids for products and services that are the subject of the preliminary Advanced Metering Infrastructure Business Case Analysis and thereby adversely affect ratepayers.

4. The confidential information will remain under seal for a period of two years from the date of this ruling. During this period, the information shall not be made accessible or disclosed to anyone other than (a) Commission staff; (b) other parties to this proceeding who have executed a reasonable nondisclosure agreement; or (c) upon the further order ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then-designated as Law and Motion Judge.

5. PG&E and SDG&E may withhold the designated confidential information from potential bidders for the products and services at issue in the preliminary Advanced Metering Infrastructure Business Case Analysis. To the extent that a party disputes its designation as a potential bidder, the party and the utility may bring that dispute to the attention of the assigned Administrative Law Judge for resolution.

6. If PG&E or SDG&E believe that further protection of this information is needed after two years, one or more of them may file a motion stating the justification for further withholding the information from public inspection, or for such other relief as the Commission rules may then provide. This motion must be filed no later than 30 days before the expiration of this protective order.

Dated November 2, 2004, at San Francisco, California.

/s/ MICHELLE COOKE

Michelle Cooke

Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties who have provided an electronic mail address, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting in Part Pacific Gas and Electric Company and San Diego Gas & Electric Company Leave to File Documents Under Seal on all parties of record in this proceeding or their attorneys of record.

Dated November 2, 2004, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.